

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the March 19, 2008 Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment A amends claims 1, 18, 19, 21, 23-25, 27-29, 32, 33, and 35-40 and cancels claims 2, 20, 30, and 34. No new matter has been added.

Claims 1, 2-19, 21-29, 31-33, and 35-40 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Drawings

Applicants request that the Examiner now have the drawings as originally filed reviewed and accepted.

Claim Objections

Claim 18 stands objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 27 stands objected to because of the following informalities: it refers to the system of claim 1 instead of claim 19.

With respect to claim 27, the claim as amended depends from claim 19. Thus, Applicants request that the Examiner withdraw the objection.

With respect to claim 18, according to MPEP 608.01(n), "[t]he fact that the independent and dependent claims are in different statutory classes does not, in itself, render the latter improper". And, "if claim 1 recites a method of making a specified product, a claim to the product set forth in claim 1 would not be a proper dependent claim since it is conceivable that the product claim can be infringed without infringing the base method claim if the product can be made by a method other than that recited in the base method claim". In this case, the product claim 18 (computer-readable storage media) cannot be infringed without infringing the base method claim 1. Thus, the infringement test is satisfied and claim 18 is a proper dependent claim. Furthermore, if the method of claim 1 was implemented in a manner where at least one element was not implemented using computer-readable storage media with computer executable instructions, claim 1 would be infringed, but claim 18 would not. Thus, claim 18 includes additional subject matter not found in claim 1 and Applicants request that the Examiner withdraw the objection.

Double Patenting

In response to the provisional rejection of claims 1-40 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 7,188,252, Applicants submit herewith a Terminal Disclaimer in compliance with 37 CFR 1.321(c). U.S. Patent No. 7,188,252 is assigned to Microsoft Corporation, the assignee of the subject application.

Please charge deposit account 19-1345 the applicable fee under 37 CFR 1.20(d) for the Terminal Disclaimer. A fee payment form is enclosed.

Claim Rejections Under 35 U.S.C. § 101

Claims 18-40 stand rejected under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter.

With respect to claims 18, 33 and 35-40, Applicants have amended the claims to recite "computer-readable storage media". Paragraph 97 of the specification of the present application discloses "**computer readable media** comprise **computer storage media** and **communication media**." The application distinguishes storage media from communication media. For example, "**communication media typically embody computer readable instructions, data structures, program modules, or other data in a modulated data signal such as a carrier wave or other transport mechanism and include any information delivery media**" in contrast to "**computer storage media**[, which] include[s] **volatile and nonvolatile, removable and non-removable media implemented in any method or technology for storage of information such as computer readable instructions, data structures, program modules or other data**." Thus, storage media does not include communication media including data signals. Therefore, Applicants request that the Examiner withdraw the rejection.

With respect to claims 19, 21-29, 31, 32, Applicants disagree with the Examiner's interpretation of the term server in the art as "a program capable of receiving socket connections from clients". For example, Merriam-Webster's Online dictionary defines a server as "a **computer** in a network that is used to provide services (as access to files or shared peripherals or the routing of e-mail) to other **computers** in the network." (<http://www.merriam-webster.com/dictionary/server>). However, to further prosecution, Applicants have amended

claim 19 to recite "an authentication server coupled to a data communication network, **said authentication server including processor for executing computer-executable instructions**" and "**said authentication database being configured to execute computer-executable instructions for ...**" Therefore, Applicants request that the Examiner withdraw the rejection.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3, 5-6, 11, 15-21, 23-24, 27, 31-34, 36, and 40 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication Number 2002/0120866 by Mitchell et al. (hereinafter Mitchell). In order for a reference to anticipate an invention, the reference must "**describe all of the elements of the claims, arranged as in the patented device.**" C.R. Bard, Inc. v. M3 Systems, Inc., 157 F.3d 1340, 1230 (Fed. Cir. 2000). When looking at a reference for anticipation, "[t]he **identical invention must be shown in as complete detail as is contained in the patent claim.**" 868 F.2d, 1226, 1236 (Fed. Cir. 1989). Furthermore, there is "**no anticipation unless all of the same elements are found in exactly the same situation and united in the same way . . . in a single prior art reference.**" Perkin-Elmer Corp. v. Computervision Corp., 732 F.2d 888, 894 (Fed. Cir. 1984).

Mitchell teaches a method and system for obtaining and modifying parental consent for an operator of a web site. (Page 1, paragraph 5). In particular, Mitchell teaches that user is authenticated via an authentication server to access an affiliate server. (Page 2, paragraph 24). The authentication server also communicates the user profile information for the user to the affiliate server. (Page 3, paragraph 30). And, if the user of the client computer system is new to the affiliate server, **the affiliate server may request additional user information that is not already contained in the user profile for the user. The affiliate server then stores such additional information such that the user need not be required to re-enter the data during subsequent visits to the same affiliate server.** (Page 3, paragraph 32).

Additionally, if the user is a child, parental consent for the child must be obtained before the child is allowed to access the affiliate server. (Page 3, paragraph 33). If the user profile of the child contains consent information providing consent for the child to access such affiliate server, then authentication server directs the child's browser back to the affiliate server and the affiliate server then grants access, to the extent of such consent information, to the child. (Page 4, paragraph 38). And, if the user profile of the child contains consent information that denies

access to such affiliate server, the authentication server again directs the child's browser to the affiliate server and the affiliate server denies access to the child and in one embodiment of the present invention. (Page 4, paragraph 39). Additionally, **if the authentication server does not find any consent information at the authentication database in the user profile of the child relating to such affiliate server**, the affiliate server or the authentication server may communicate to the child **that consent is needed to access such affiliate server and the child must notify the parent to provide consent to the user profile of the child in order for the child to access such affiliate server**. (Page 4, paragraph 40). In other words, the parent of the child, and not the child itself, must provide the consent.

Claim 1

In contrast, claim 1 recites:

- maintaining **a user profile associated with the user;**
- receiving a request from the service provided by the network server for user information associated with the user and for consent to use the requested user information;**
- determining, in response to the request for consent, if the requested user information is included in the user profile;**
- providing a user interface via the browser to collect the requested user information that is not included in the user profile from the user;
- receiving the user information provided by the user via the user interface;
- updating the user profile with the received user information;** and
- allowing access by the service to the received user information.

The edit profile UI includes a list of profile attributes currently stored in the user profile and provides open fields for the user to edit or update the currently stored profile attributes. (Page 33, paragraph 73). After editing/updating the profile attributes and confirming the changes, a consent record is stored in database. (Page 34, paragraph 73). The consent record indicates that Service A (and other members of the policy group of Service A) is granted consent to access **the edited/updated profile attributes** and Service A may request the same profile attributes without another consent UI in the future. (Page 34, paragraph 73). Additionally, the **edited/updated profile attributes are further stored in the user profile** and if the user selects an option to go back to the consent UI, the consent UI will now display the edited/updated profile attributes.

The cited references fail to teach or make obvious "**updating the user profile with the received user information**:" and "allowing access by the service to the received user

information." Therefore, Applicants respectfully submit that Mitchell could not disclose or suggest each and every element of the amended claims. Additionally, claims 19 and 33 include similar subject matter. Hence, the rejection of claims 1-3, 5-6, 11, 15-21, 23-24, 27, 31-34, 36, and 40 under 35 U.S.C. §102(b) as being anticipated by Mitchell should be withdrawn.

Claim 19

Claim 19 includes the subject matter of claim and further recites "said authentication server . . . for maintaining a user profile storing the user-specific information, **said user profile comprising a plurality of profile attributes**" and "said authentication server being further configured to execute computer executable instructions for maintaining a user profile storing the user-specific information, said user profile comprising a plurality of profile attributes, **to receive a first request from the requested service for a first profile attribute associated with the profile of the user and consent to use the requested first profile attribute wherein the consent is limited to the first service,**" (*See*, Specification, pages 34-35, paragraph 74). The cited references fail to teach or make obvious a **user profile comprising a plurality of profile attributes** and **to receive a first request from the requested service for a first profile attribute associated with the profile of the user and consent to use the requested first profile attribute wherein the consent is limited to the first service.**" Therefore, Applicants respectfully submit that Mitchell could not disclose or suggest each and every element of the amended claims. Hence, the rejection of claims 19, 21, 23-24, 27, 31, and 32 under 35 U.S.C. §102(b) as being anticipated by Mitchell should be withdrawn.

Claim 33

Claim 33 includes the subject matter of claim 1 and further recites "said **services being members of a policy group**" and "the consent component is configured to receive the requested user information provided by the user via the user interface component; **to store the received user information in the profiling component; to allow access to each member service of the first policy group to the received user information; and to deny access by each service which is not a member of the first policy group to the received user information.**" (*See*, Specification, page 35, paragraph 75). The cited references fail to teach or make obvious said **services being members of a policy group** and the consent component is configured to receive

the requested user information provided by the user via the user interface component; to store the received user information in the profiling component; **to allow access to each member service of the first policy group to the received user information; and to deny access by each service which is not a member of the first policy group to the received user information.**

Therefore, Applicants respectfully submit that Mitchell could not disclose or suggest each and every element of the amended claims. Hence, the rejection of claims 33-34, 36, and 40 under 35 U.S.C. §102(b) as being anticipated by Mitchell should be withdrawn.

102(f)

Claims 1-3, 5-6, 11, 15-21,23-24,27,31-34,36, and 40 stand rejected under 35 U.S.C. 102(f). According to MPEP 2137, "[t]he mere fact that a claim recites the use of various components, each of which can be argumentatively assumed to be old, does not provide a proper basis for a rejection under 35 U.S.C. 102(f)." *Ex parte Billottet*, 192 USPQ 413, 415 (Bd. App. 1976). And, "[d]erivation requires **complete conception by another** and communication of that conception by any means to the party charged with derivation prior to any date on which it can be shown that the one charged with derivation possessed knowledge of the invention (emphasis added)." *Kilbey v. Thiele*, 199 USPQ 290, 294 (Bd. Pat. Inter. 1978).

As illustrated above, Mitchell does not anticipate claims; therefore, Mitchell did not invent the invention disclosed in the application. Accordingly, the rejection of claims 1-3, 5-6, 11, 15-21,23-24,27,31-34,36, and 40 under 35 U.S.C. §102(f) should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 4, 8-10, 12-14, 22, 26, 28-30, 35, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of U.S. Patent Application Number 2002/0023059 by Bari et al. (hereinafter Bari). Bari teaches a method for storing and managing personal data for user over a network. However, the cited art, alone or in combination, fail to teach or make obvious **"updating the user profile with the received user information"** and "allowing access by the service to the received user information" as recited in the claims. Hence, the rejection of claims 4, 8-10, 12-14, 22, 26, 28-30, 35, and 38-39 under 35 U.S.C. §103(a) should be withdrawn.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that the claims as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/Frank R. Agovino/

Frank R. Agovino, Reg. No. 27,416
SENNIGER POWERS LLC
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

FRA/BAW